



Attorney Docket No.: 40970-0002
U.S. Application Serial No. 10/796,288

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**LIQUID TISSUE PREPARATION FROM HISTOPATHOLOGICALLY
PROCESSED BIOLOGICAL SAMPLES, TISSUES AND CELLS**

the specification of which (check one)

_____ is attached hereto.

 X was filed on March 10, 2004, as U.S. Patent Application No.
10/796,288

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT

international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|---------|---------------------|-------------------|--------------------------|
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I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|----------------|
| 60/452,956 | March 10, 2003 |
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| | |

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
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I HEREBY APPOINT the following registered attorneys and agents of the law firm of **Heller Ehrman White & McAuliffe LLP** to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

| | |
|-----------------------------|------------------------|
| PAUL M. BOOTH | Reg. No. 40,244 |
| PATRICIA D. GRANADOS | Reg. No. 33,683 |
| ROBERT M. HANSEN | Reg. No. 43,656 |
| JOHN P. ISACSON | Reg. No. 33,715 |
| BRIAN D. KAIDER | Reg. No. 51,117 |

RONALD J. KAMIS
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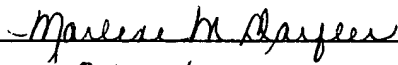
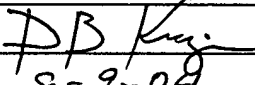
Reg. No. 41,104
Reg. No. 34,649
Reg. No. 36,614
Reg. No. 31,298

and I request that all correspondence be directed to:

HELLER EHRMAN WHITE & MCAULIFFE LLP
1666 K Street, NW, Suite 300
Washington, DC 20006-1228
Telephone: (202) 912-2000
Facsimile: (202) 912-2020

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|-------------------------|---|
| Name of first inventor | Marlene M. Darfler |
| Residence | Derwood, Maryland |
| Citizenship | United States |
| Post Office Address | 7000 Needwood Road, Derwood, Maryland 20855 |
| Inventor's signature |  |
| Date | 8-10-04 |
| Name of second inventor | David B. Krizman |
| Residence | Gaithersburg, Maryland |
| Citizenship | United States |
| Post Office Address | 24305 Welsh Road, Gaithersburg, Maryland 20882 |
| Inventor's signature |  |
| Date | 8-9-04 |



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 40970-0002

Applicant: Marlene M. DARFLER *et al.*

Confirmation No.: 9373

Appl. No.: 10/796,288

Group Art Unit: 3732

Filing Date: March 10, 2004

Examiner: To Be Assigned

Title: LIQUID TISSUE PREPARATION FROM HISTOPATHOLOGICALLY
PROCESSED BIOLOGICAL SAMPLES, TISSUES AND CELLS

CORRECTION OF INVENTORSHIP

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the inventorship of the above-captioned patent application be changed to delete Michael R. EMMERT-BUCK as an inventor of the application. The correct inventorship for this application is as follows:

1. Marlene M. Darfler
2. David B. Krizman

This application, along with an Application Data Sheet listing Michael R. Emmert-Buck, Marlene M. Darfler, and David B. Krizman as inventors, was filed on March 10, 2004. A Declaration executed by inventors Darfler and Krizman is being filed concurrently herewith. Pursuant to 37 CFR §1.48(f)(1), if the correct inventor(s) are not named upon filing a non-provisional application under § 1.53(b) without an executed oath or declaration under § 1.63 by any of the inventors, the first submission of an executed oath or declaration under § 1.63 by any of the inventors during the pendency of the application will act to correct


the earlier identification of the inventorship, and that as between inconsistencies between information that is supplied by both an application data sheet and by an oath or declaration under 37 CFR § 1.63 or § 1.67, the latest submitted information will govern. MPEP § 601.05 at 600-21. Accordingly, the Declaration submitted herewith serves to correct the inventorship of the captioned application

Applicants believe that no fees are due for filing this paper, however the Commissioner is authorized to charge any fee that may be required to Deposit Account No. 08-1641.

Respectfully submitted,

Date: October 1, 2004

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By 
Paul M. Booth
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